

REMARKS

Claims 1-9 are currently pending in the application. Claim 1 is currently amended to correct minor typographical errors. Reconsideration of the pending claims is respectfully requested based on the following remarks.

Rejections Under 35 U.S.C. § 103

Claims 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olmedo* (U.S. Patent No. 6,174,170). Applicants respectfully traverse.

With respect to claim 6, the Examiner states that that “[*Olmedo*] shows an optical reading apparatus wherein the disk having a text format figs 1 and 2, the text format includes positional information having a start, end, intermediate characters, space ...etc fig 4 and comparing the positional information with the one stored into the memory for displaying the character data as shown in figs 5, 7 and 8C.” (Office Action, p. 2). Applicants respectfully disagree with this interpretation of the teachings of *Olmedo*.

Olmedo teaches that any positional information recorded on the disk is merely used to identify the position of each text symbol (*see* Col. 6, lines 19-26). Moreover, *Olmedo* relies on admittedly known methods of error correction associated with recorded information (*see* Background and FIG. 1 of *Olmedo*).

There is no teaching or suggestion in *Olmedo* of “detecting character position” and “determining that abnormal data is recorded, if said character position detected . . . contradicts character position information recorded on said recording medium” as recited in claim 6.

The Examiner admits that *Olmedo* does not disclose the “abnormal data” determination based on the recorded “character position information” as recited in claim 6. Nevertheless, the Examiner asserts that it would have been obvious “to use the positional information [of *Olmedo*] to determine a location error (abnormality location)” based on “a logical engineering capability and a standard location determination within the optical disk reading apparatus for the purpose of determining a target address of [a] location.” (Office Action, p. 2). This bare assertion by the Examiner is not supported by

any evidence of record. The only teaching of such features is in Applicants' disclosure. As the Examiner is aware, it is an improper hindsight reconstruction to modify elements from the prior art to arrive at Applicants' claimed invention without any teaching or motivation for doing so other than the Applicants' disclosure.

Accordingly, for the foregoing reasons, claim 6 would not have been obvious over *Olmedo*. Since claims 7 and 8 depend from claim 6, these dependent claims also include the limitations of claim 6. Thus, claims 7 and 8 would also not have been obvious over *Olmedo*.

Applicants therefore respectfully request that the rejection of claims 6-8 under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 1-5 are allowed.

Claim 9 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based on the arguments presented above, claim 9 has not been amended at this time. Applicants, however, reserve the right to amend this claim at a later time, if necessary, to overcome the rejection.

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Attorney Docket No. 515.037US01

Title: RECORDING MEDIUM PLAYBACK APPARATUS

CONCLUSION

Applicants respectfully submit that claims 1-9 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

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